

Division of Water Resources Director's Comments

Tracy Davis, Director of Division of Energy, Mineral & Land Resources

Dam Safety Program Updates:

- DEMLR appreciates the Commission's support by approving staff's initial rule categorizations for our NCAC 2K Dam Safety Rules and allowing us to put the categorizations out for public notice and comment.
- DEMLR appreciates the Commission's support of DEQ staff's fiscal note and comprehensive Coal Combustion Residual (CCR) Rule based upon EPA's federal CRR rule language. As you now know, DEMLR is involved as the draft CCR rule includes dam safety related aspects of coal ash management.
- DEMLR central and regional office staff have been extremely busy prior to, during, and after Hurricane Matthew passed through NC during the weekend of October 8. Staff worked with dam owners to lower their water levels and reinforce their dams prior to the arrival of the storm, manned the Emergency Operations Center 24/7 and responded to dam safety emergencies during and after the storm, and recently completed an intensive dam safety inspection sweep of all dams in the FRO and RRO and will be following up accordingly with dam owners as to whether the dams are in good condition, repair to dams are needed, or if dams should be permanently breached. (Statistics will be provided at the meeting)

Stormwater Program Updates:

- DEMLR appreciates the EMC's support and approval of the revised "Licensed Professional" definition language during today's meeting to address the Rules Review Commission's (RRC) objections to the 14 rules related to the prior definition. Staff will promptly deliver the revised rules to the RRC staff so that the objections to the rules can be removed and the rules as amended approved at the next RRC meeting. As noted previously, all rules will have an effective date of January 1, 2017 to allow DEMLR staff time to complete development of necessary forms and processes, as well as continue our efforts to inform our stakeholders of the various aspects of these updated stormwater rules.
- Per the Regulatory Reform Act of 2015 (HB 765; SL 2015-286), DEMLR staff, as delegated by the EMC, has reviewed the delegated local government stormwater management programs for Guilford County, Gaston County, Henderson County, and Buncombe County for conformance with the EMC's model program. DEMLR has determined that each local government should continue to implement their post construction stormwater management programs as previously approved under Section 10 of Session Law 2006-246. DEMLR will send a letter to each of the local programs regarding its determination by the December 1, 2016 deadline specified in HB 765. A summary of our findings will

be included in our 2016 Annual Report on Water Supply Watershed Ordinance Approvals, Unified Stormwater Management Program Ordinance Approvals, and Phase II Program Implementation Delegations Report due to the EMC Water Quality Committee in March 2017.

Sheila Holman, Director of Division of Air Quality

Ozone Designation Recommendation Update: The EPA issued a new 8-hour ozone standard on October 1, 2015. The new standard is set at 70 parts per billion (the 2008 ozone standard was set at 75 parts per billion). The ozone season in 2016 has been active. As of October 19, 2016, all monitors in North Carolina continue to show compliance with the new standard. However, we have observed 39 exceedances of the new ozone standard (and 9 exceedances of the 2008 ozone standard). Two monitors in Mecklenburg County are very close to the standard.

On September 30, 2016, the state submitted a recommendation for designation of areas in North Carolina to EPA. Under the Clean Air Act, the designations can be attainment (monitor shows compliance with the new standard), nonattainment (monitor shows a violation with the new standard) or unclassifiable (not enough data to determine whether monitor is in compliance or not). Three years of data is needed to evaluate whether a monitor is in compliance with the new standard. We have three years of data at all sites. We recommended that all areas of North Carolina be designated attainment, considering the three years of complete, quality assured data from 2013-2015, and the preliminary data for 2014-2016. The recommendation can be found at the following link:

https://ncdenr.s3.amazonaws.com/s3fs-public/Air%20Quality/planning/ozone/2015_Ozone_DEQ_Designation_Recommendation.pdf

Permit Exemption Rule Update: The changes to 15A NCAC 02Q.0102 Permit Exemption Rule took effect on June 13, 2016. The Division sent email notifications to all facilities that were potentially eligible for permit exemption or for registration shortly after the rule change took effect. As of October 7, the Division has received 319 requests for permit rescission and 39 requests for permit registration. The Division is processing these requests. Most facilities will have a compliance assurance visit every other year, even if they qualify for permit exemption to ensure that the regulatory requirements are still being met.

Proposed Request for Delegation of Specific Clean Air Act (CAA) Section 111/129 Federal Plan Requirements for Sewage Sludge Incineration Units

This proposed request is the subject of a public hearing scheduled for November 29, 2016. The comment period closes on November 29, 2016. The request can be found at the following link:

<http://deq.nc.gov/about/divisions/air-quality/air-quality-rules/rules-hearing-process>

On April 29, 2016 the Environmental Protection Agency published in the Federal Register its final Federal Plan Requirements for Sewage Sludge Incineration Units Constructed on or Before October 14, 2010 with an

effective date of May 31, 2016 (81 FR 26040-26088). Section 101(a)(3) of the CAA places primary responsibility for air pollution prevention and control with state and local agencies. In order to fulfill its obligation to serve as the primary implementer, the North Carolina Department of Environmental Quality, Division of Air Quality (DAQ) is requesting delegation of authority to implement and enforce the Clean Air Act Section 111(d)/129 Federal Plan 40 CFR 62 Subpart LLL - Federal Plan Requirements for Sewage Sludge Incineration Units Constructed on or Before October 14, 2010.

North Carolina has four affected facilities with units that are subject to the Federal Plan. Three facilities are under the jurisdiction of DAQ, and one facility is under the jurisdiction of a local program. The local program, the Western North Carolina Regional Air Pollution Control Agency, will submit a separate request for delegation of the Federal Plan applicable to the single affected facility in its program area.

Michael Scott, Director of Division of Waste Management

- The Division of Waste Management has been actively involved in the Hurricane Matthew response effort assisting with debris management, animal mortality and petroleum releases. Staff have also manned the Emergency Operations Center during the storm event.
- The Division presented the proposed 15A NCAC 13B .2000 rules for coal combustion residuals to the Groundwater Committee yesterday. This is a substantive rule set with over 80 pages of proposed language based on the Federal Coal Combustion Residual rules. We appreciate the assistance from the committee and commission on this rule set.
- The Division will have three sets of rules from the periodic rule review process coming before the EMC in January after the public comment periods (Rule sets 15A NCAC 13A, 13B and 13C).
- The Division has received several requests from stakeholder groups to set up meetings related to the periodic rule review process to discuss key rule sets.

Jay Zimmerman, Director of Division of Water Resources

Hurricane Matthew Response/Recovery

Coordination – Emergency Operations Center (EOC)

- Steve Lewis and Deborah Gore were our core people on duty. Shelton Sullivan and Jon Risgaard took on tours of duty and are being trained for future events.

- Regional staff have been exceptional in their quick response to assess needs and support to local government. They've used boats and planes to access areas where they can normally drive/walk to. Several regions worked with EPA and FEMA officials to evaluate especially hard hit locations.
- Planning Section staff designed a new GIS mapping application to overlay facility locations with weather forecast information to evaluate and prioritize areas for assessment. Also used the application to identify facilities in areas that received the greatest amount of rainfall.
- Our Water Sciences staff are implementing sampling and analytical strategies to evaluate environmental conditions at our ambient stations in addition to specific locations of concern impacted by flooding.
- Our new Public Information Officer, Marla Sink, and Bridget Munger have been a tremendous help coordinating information internally and providing information to the public on response activities.

General conditions – many areas were inundated with flood waters.

- To gather water quality information about the flooding after hurricane Matthew, the Water Sciences Section collected samples across 24 counties from Raleigh to the coast. This post flood monitoring effort spanned 7 river basins (Cape Fear, Neuse, Lumber, White Oak, Tar-Pamlico, Roanoke, and Chowan), 9 large rivers, and several smaller tributaries. Sampling activities will occur in two phases.
- To evaluate the storm's effects, 30 existing ambient monitoring sites were selected, and 396 samples were collected. This included a wide range of potential pollutants and physical measurements.
- This represents the first half of the Phase 1 effort which began immediately after floodwaters began receding the week of 10/17/16. A second collection period will occur the week of 10/31/16 to establish a post flood baseline. Once sample results have been reviewed, long term Phase 2 monitoring will take place if deemed necessary.

Ambient well monitoring – flood heights topped some wells but no equipment damage.

Sanitary Sewer Overflows (in gallons)

- Total number of storm related spills is 235.
- Initial volume spilled reported
 - 24-hour report = 131.6 million gallons total and 60.4 million gallons to surface waters.
 - 5-day reports = 101.2 million gallons total and 62.8 million gallons to surface waters. These figures reflect more accurate accounting than the initial 24-hr estimates.

Local operators worked through the nights and stayed at the facilities to keep them operational. Our respect and appreciation is given to these individuals as the flooding inundated their facilities. Back-up systems were used and some overtaken themselves. Others had difficulty bringing in fuel to keep pumps operational. Their efforts and prior planning prevented even further overflows.

Coal ash

- Cooling ponds at the HF Lee and Weatherspoon facilities were inundated by flood waters as well as the inactive ash basins at HF Lee.
- Site specific monitoring occurred at the HF Lee facility in Goldsboro in response to the reported release of coal ash and cenospheres. Dissolved and total metals samples were collected upstream and downstream of the facility to determine effects of flood waters on coal ash basins along the Neuse River. Cenosphere samples were also collected from areas along the perimeter of the inactive basins to help identify if this material left the basins and entered the Neuse River.
- Preliminary results from metals sampling (10/17) around the HF Lee plant indicate little if any presence of coal ash related metals in the Neuse River.

Farms

- North Carolina has more than 2100 swine farms. Farmers in the hardest hit areas of Wayne and Green counties along the Neuse River and Robeson and Sampson counties near the Lumber River, reported floodwaters overtopped more than a dozen lagoons, possibly spreading diluted waste into the floodwater.

Region	# of Noncompliant Animal Lagoons Reported	# of Animal Lagoons Inundated/ Breached	# of Animal Lagoons Ret to Compliance*	# of Noncompliant WWTP Lagoons Reported	# of WWTP Lagoons Inundated/ Breached	# of WWTP Lagoons Ret to Compliance**
FRO	124	6	9	3	0	1
RRO	17	1	13	5	5	5
WaRO	64	6	25	7	1 (Hookerton)	2
WiRO	40	2	Unknown at this time	1	0	1
TOTALS	245	15	47	16	6	9

* Animal Inspectors are still getting calls and are doing site inspections, so these numbers are increasing daily

** May not reflect full permit compliance, such as tertiary filter bypass, but substantially back in compliance with permit conditions.

Public Water Supply

Public Water Systems Assessed: 538

Number of Systems that were:

Closed/not producing water:	5
Operating on backup power:	70
Operating on stored water only:	7
Under boil water advisory:	112

Lower Cape Fear Water and Sewer Authority (LCFWSA) raw water main that serves Brunswick County and Cape Fear Public Utility Authority (CFPUA) remains a concern. By-pass hopefully completed Thursday or Friday.

Current Status 10/25/16:

Closed/not producing water:

1. The Arc of Hope Mills; retirement center; Cumberland County; population 28
2. Tabernacle FWB Church; Lenoir County; population 150.

Under boil water advisory:

1. City of Lumberton; Robeson County; population 24,015
2. Cleveland MHP; Johnston County; population 84
3. Johnston County East; Johnston County; 25,514 (Note: Only a few isolated areas remain under a BWA)
4. Gray's Creek MHP, Cumberland County; 212
5. Two-Ten MHP, Cumberland County; 100